

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

F & V CORPORATION, d/b/a	§	
BULLETPoint MOUNTING SOLUTIONS	§	
	§	
Plaintiff,	§	Case No. 3:22-cv-00607
	§	
v.	§	Judge Jack Zouhary
	§	
67 DESIGNS, LLC <i>et al.</i>	§	
	§	
Defendants.	§	

DEFENDANTS’ MOTION FOR INJUNCTION PENDING APPEAL

Defendants, 67 Designs, LLC, Wild West Investments, LLC, and Gavin Stener, through counsel, file this Motion for Injunction Pending Appeal, and would respectfully show the following:

Defendants move for an injunction pending appeal pursuant to Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8. The grounds for Defendants’ motion are those set forth in Defendants’ Renewed Application for Preliminary Injunction [Doc. # 44] as well as the evidence, testimony, and argument received by the Court during the August 18-19, 2022 hearing on Defendants’ Renewed Application. Defendants incorporate these arguments and evidence as if fully restated herein.

Defendants recognize that the Court has already denied Defendants’ request for an injunction on the grounds that Defendants failed to show a strong likelihood of success on the merits of their claims. Defendants intend no disrespect or needless redundancy by the present motion. However, Federal Rule of Appellate Procedure 8 requires that an appealing party ordinarily seek an injunction pending appeal in the trial court before applying for the same relief in the court of appeals. Accordingly, Defendants now respectfully request an injunction pending appeal. The injunction

requested is the same as the injunction requested in Defendants' Renewed Application. Defendants are willing to post a sufficient bond.

Respectfully Submitted,

/s/ James E. Sherry

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Attorneys for Defendants

CERTIFICATE OF CONFERENCE

I certify that on September 29, 2022, I personally conferred with counsel for Plaintiff regarding the relief requested in this motion. Plaintiff is opposed.

/s/ James E. Sherry
James E. Sherry
Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically on September 30, 2022. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ James E. Sherry
James E. Sherry
Attorney for Defendants